

#15
PATENT
Docket No. 02-05912
2024728-7034064002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert S. Behl, et al

Serial No.: 09/832,497

Filed: April 11, 2001

For: APPARATUS AND METHODS FOR
TREATING TUMORS NEAR THE
SURFACE OF AN ORGAN

Group Art Unit: 3739

Confirmation No.: 1252

Examiner: Peter Vrettakos

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**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
(Revocation of Prior Powers) UNDER 37 C.F.R. § 3.71**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

SCIMED Life Systems, Inc., a **Minnesota** Corporation, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby revokes all powers of attorneys previously given and hereby appoints all attorneys associated with:

Customer Number 23639

with full powers of substitution and revocation, to prosecute this application and transact all matters in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Correspondence Address

Please change the correspondence address and direct all written communications relative to this application to:

David T. Burse
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067

Please direct all telephone communications to David T. Burse at (650) 849-4400


I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- ☐ is filed for recordation herewith; or
☐ was recorded at Reel _____, Frame _____; or
☒ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

SciMed Life Systems, Inc.

Dated: October 24, 2003
Name: _____

By: 

Scott T. Bluni
Title: Assistant Secretary for
SciMed Life Systems, Inc.
Address: One SciMed Place,
Maple Grove, Minnesota 55311-1566



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TRANSMITTAL

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an executed Power of Attorney (2 pages) and Courtesy copy of assignment and transmittal submitted via fax to the Assignment Unit for the above-identified application.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: Nov 4, 2003

By: DT Burse
David T. Burse
Reg. No. 37,104

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400

CERTIFICATE OF MAILING
(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

November 4, 2003
Date of deposit

Maritza D. Kidd
Name of Person transmitting Paper
Maritza D. Kidd
Signature of Person depositing Paper

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BINGHAM McCUTCHEN

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Bingham McCutchen LLP
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94303-2223

	NAME	FAX	PHONE
TO	ASSIGNMENT UNIT US Patent and Trademark Office	(703) 306-5995	(703) 308-9723

FROM Maritza D. Kidd (650) 849-4800 (650) 849-4481
maritza.kidd@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 5

RE Assignment for US Appl S/N: 09/832,497

Message:

Re: US Application Serial No. 09/832,497
Filed: April 11, 2001

I hereby certify that an Assignment (2 pages); Recordation Cover Sheet Form PTO-1595 (1 page) and an assignment transmittal with certificate of facsimile transmission (1 page) are being facsimile transmitted to the United States Patent and Trademark Office on the date shown above.

Assignment recordation is respectfully requested. Please forward the assignment reel/frame number via fax to the undersigned at the fax No. (650) 849-4800.


Maritza Kidd

Boston
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Tokyo
Walnut Creek
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ASSIGNMENT TRANSMITTAL

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an executed Assignment (2 pages) and Recordation Cover Sheet Form PTO-1595 (1 page) for the above-identified application.

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Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: Nov 4, 2003

By: DTBurse
David T. Burse
Reg. No. 37,104

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. §1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number (703) 306.5995 addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

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Maritza Kidd
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Signature of Person transmitting Paper

FORM PTO-1595 1-31-92 Docket No. 24728, 7034064002	<div style="position: relative; height: 40px;"> <div style="position: absolute; top: -40px; left: 50px; border: 1px solid black; border-radius: 50%; padding: 5px; transform: rotate(45deg);"> OIPE JCSA 3014 </div> <div style="position: absolute; top: -10px; left: 150px; transform: rotate(-45deg);"> NOV 06 2003 </div> </div> <h2 style="margin: 0;">RECORDATION FORM COVER SHEET PATENTS ONLY</h2>	U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.		
1. Name of conveying party(ies): RadioTherapeutics Corporation Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party: Name: <u>Scimed Life Systems, Inc.</u> Internal Address: <u>One Scimed Place</u> City: <u>Maple Grove</u> State: <u>MN</u> Zip: <u>55311-1566</u> Street Address: <u>One Scimed Place</u> City: <u>Maple Grove</u> State: <u>MN</u> Zip: <u>55311-1566</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>October 23, 2003</u>	<div style="font-size: 4em; transform: rotate(-45deg); opacity: 0.5;"> COURT COPY </div>	
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No(s): <u>09/832,497 and 09/354,379 (now patent No. 6,337,998)</u> B. Patent No(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David T. Burse</u> Internal Address: <u>BINGHAM McCUTCHEN LLP</u> <u>Three Embarcadero, Ste 800</u> <u>San Francisco, CA 94111-4067</u>	6. Total number of applications and patents involved: <u>2</u> 7. Total fee (37 CFR 3.41): \$ <u>40.00</u> <input checked="" type="checkbox"/> Paid herewith with authorization to charge fee <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required 8. Deposit Account Number: <u>50-2518 Bingham McCutchen</u>	
DO NOT USE THIS SPACE		
9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> <u>David T. Burse, Reg No. 37,104</u> </div> <div style="text-align: center;"> Date: <u>11/4/03</u> </div> <div style="text-align: center; font-weight: bold;"> RECEIVED NOV 14 2003 TC 3700 MAIL ROOM </div> </div> <div style="text-align: center; margin-top: 10px;"> Total number of pages including cover sheet: <u>2</u> </div>		
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<p>Do not detach this portion</p> <p>Mail documents to be recorded with required cover sheet information to:</p> <p>Commissioner of Patents and Trademarks</p> <p>Box Assignments</p> <p>Washington, D.C. 20231</p> <p style="font-size: 0.8em; margin-top: 20px;">Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503</p>		

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, **RadioTherapeutics Corporation**, a California Corporation having its principal place of business at One Boston Scientific Place, Natick, Massachusetts 01760 (hereinafter referred to as "ASSIGNOR"), owns all right title and interest in any inventions disclosed in Unites States Patent Application Serial No. **09/354,379**, filed July 14, 1999, by virtue of assignment of same from the inventors, recorded by the U.S. Patent and Trademark Office at Reel 010480, Frame 0231, including all right title and interest in any inventions claimed in Unite States Patent Application Serial No. **09/832,497**, filed April 11, 2001, which is a continuation of said Application Serial No. 09/354,379; and

WHEREAS, **SciMed Life Systems, Inc.**, a corporation organized and existing under and by virtue of the laws of the state of Minnesota and having its principal place of business at One Scimed Place, Maple Grove, MN 55311-1566 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers and sets over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and

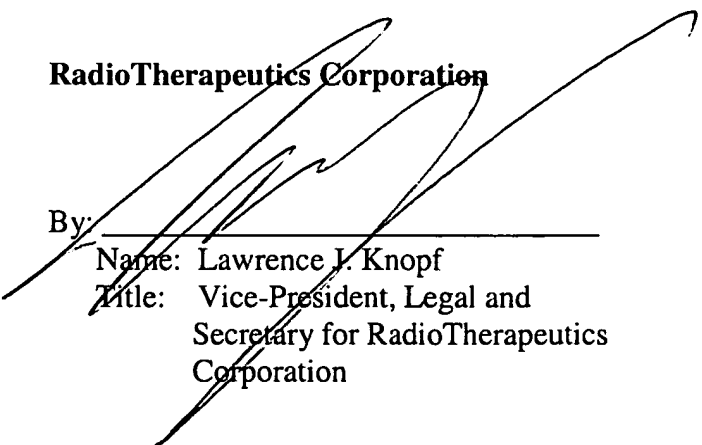
ASSIGNOR hereby authorizes and requests the United States Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof, to issue said patents to ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into by the ASSIGNOR which would conflict with this Agreement;

ASSIGNOR further covenants that ASSIGNEE will, upon its requests, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtains, maintains, issues and enforces said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

Dated: 10/23/03

RadioTherapeutics Corporation

By: 
Name: Lawrence J. Knopf
Title: Vice-President, Legal and
Secretary for RadioTherapeutics
Corporation